

EXHIBIT 3

DAVID BENJAMIN **HIGHLY CONFIDENTIAL** 8/29/2018

Page 1

1

2 UNITED STATES DISTRICT COURT

3 WESTERN DISTRICT OF TEXAS

4 AUSTIN DIVISION

5 -----x

6 UMG RECORDINGS, INC., et al.,

7 Plaintiffs,

8 -against-

9 GRANDE COMMUNICATIONS NETWORKS LLC,

10 Defendant.

11 No.: 1:17-cv-00365-LY

12 -----x

13 919 Third Avenue
14 New York, New York

15 August 29, 2018
16 9:14 a.m.

17 Highly Confidential Videotaped
18 Deposition of a Plaintiff, UNIVERSAL MUSIC
19 GROUP by DAVID BENJAMIN, pursuant to Notice,
20 before Christine DeRosa, a Notary Public of
21 the State of New York.

22

23

24

25

1 Q. Do you know who engaged
2 Rightscorp with respect to this litigation?

3 A. No.

4 Q. You've had numerous conversations
5 with Chris Sabec from Rightscorp over the past
6 10 years, correct?

7 A. Yes.

8 Q. And Mr. Sabec was marketing his
9 services to UMG?

10 MR. GILMORE: Objection; form,
11 foundation.

12 A. Was marketing Rightscorp; is that
13 the question?

14 Q. Yes.

15 MR. GILMORE: Same objection.

16 A. Yes.

17 Q. When do you recall first speaking
18 with Mr. Sabec about Rightscorp?

19 A. In the past. I couldn't pinpoint
20 it.

21 Q. And how did you first come to
22 know Mr. Sabec?

23 A. I don't recall.

24 Q. Have you ever met him in person?
25

1 in this case and then the numbering is just to
2 enable us to keep track of them. So
3 throughout the deposition, I'll be referring
4 to different documents by Bates number.

5 A. Thank you.

6 Q. Now, the formatting of this
7 e-mail is a little wonky. You can't really
8 see at the top who you're sending the e-mail
9 to. Let me give you a moment to review this.

10 Does this appear to be an e-mail
11 chain that you participated in with Chris
12 Sabec and others?

13 A. Yes.

14 Q. Do you recall this e-mail
15 exchange?

16 A. I see the e-mail exchange.

17 Q. I'm just asking if you have an
18 independent recollection of it now that you've
19 reviewed the e-mail.

20 A. No.

21 Q. In the e-mail -- at the bottom of
22 the chain, there's an e-mail from Chris Castle
23 dated November 8, 2011 regarding a meeting
24 between you, Chris Sabec and Robert Steele of
25

1 Rightscorp.

2 First of all, who is Chris

3 Castle?

4 A. He's an attorney.

5 Q. Was he representing UMG at the
6 time?

7 A. I don't think so.

8 Q. And did he introduce you to Chris
9 Sabec and Rightscorp?

10 A. I don't know.

11 Q. You don't recall?

12 A. I don't recall.

13 Q. Do you recall anything about
14 Chris Castle otherwise, why he would be
15 sending you e-mails about Rightscorp?

16 A. He's a lawyer.

17 Q. Did you have an existing
18 relationship with Mr. Castle?

19 A. I don't know if I had a
20 relationship with him prior to these meetings.
21 I know Chris Castle for a long while. It's
22 possible I did.

23 Q. So it's possible that he made the
24 introduction to Rightscorp?

25

1 A. It is.

2 Q. I'd like to jump up in the chain
3 a little bit. There's an e-mail you sent on
4 November 16, 2011, this is on the first page,
5 appearing to respond to Mr. Sabec saying,
6 "Where are you on this? I assume you are
7 still working with Hughes on a test of your
8 ability to track multiple infringements." Do
9 you see that?

10 A. I do.

11 Q. What was this test for
12 Rightscorp's ability to track multiple
13 infringements?

14 A. I don't recall.

15 Q. Do you recall discussing with
16 Rightscorp their ability to track multiple
17 infringements?

18 A. No.

19 Q. At any point in time, not just at
20 this point in time?

21 A. Correct.

22 Q. Did you ever have any
23 conversations with Mr. Sabec or anyone at
24 Rightscorp about the capabilities of
25